

United States Courts
Southern District of Texas
FILED

APR 08 2004

Michael N. Milby, Clark

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Donald E. Spencer, Plaintiff,
versus
Caddie Services, Inc. and
Caddie Master Enterprises, Inc.
Defendants.

H-04-1439

CIVIL ACTION NO.

EMPLOYMENT DISCRIMINATION COMPLAINT

1. This action is brought under Title VII of the Civil Rights act of 1964 for employment discrimination. Jurisdiction is conferred by Title 42 USC, Section §2000e-5.
2. The plaintiff is Donald E. Spencer, 2101 Hayes Road, Unit 309, Houston, Harris County, Texas.
3. The defendants are Caddie Services, Inc., 12900 FM 1464 Road, Richmond, Texas 77469 and Caddie Master Enterprises, Inc., 200 Westgate Dr., #B, Pinehurst, North Carolina 28374
4. The plaintiff has attached to this complaint a copy of the charges filed on November 20, 2003 with the EEOC.
5. On the date of January 12, 2004, the plaintiff received a Notice of Right to Sue Letter issues by the EEOC; a copy is attached.
6. Because of the plaintiff's religion and age, the defendants terminated the plaintiff's employment.

7. The defendants by and through their representatives, Steve Silva and John Krikorian, discriminated against plaintiff during pre-testing, testing, and post-graduation of caddie trainer certification from February 2002 through May of 2002. In addition, defendants denied plaintiff promotion, denied access to work, ending in discharge based on unlawful discrimination.
8. The plaintiff requests that the defendants be ordered to pay damages of income losses and other relief including costs and attorney's fees including prejudgment and post judgment interest and punitive damages if found available.

Respectfully submitted,



Donald E. Spencer
Plaintiff, pro se
2101 Hayes Road, Unit 309
Houston, Texas 77077
Tel: 713-783-2041
Fax: 713-783-2041

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

FEPA
 EEOC

330-2004-00976

Texas Commission On Human Rights

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Mr. Donald E. Spencer

Home Phone No. (Incl Area Code)

(713) 783-2041

Date of Birth

02-18-1953

Street Address

City, State and ZIP Code

2101 Hayes Rd #309

Houston, TX 77077

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

CADDIE MASTER ENTERPRISES INC.

No. Employees, Members

Phone No. (Include Area Code)

15 - 100

(281) 340-7223

Street Address

City, State and ZIP Code

12900 F M 1464

Richmond, TX 77469

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE COLOR
 RETALIATION

SEX AGE
 DISABILITY

RELIGION NATIONAL ORIGIN
 OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

04-14-2002

05-15-2002

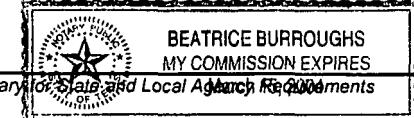
 CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- I. On April 14, 2002, I learned from Steve Silva, Manager, that I didn't pass the interview with John Krikorian, Executive Partner in Charge of Training for CSI/CME regarding a promotion to management. On April 21, 2002, I was placed on standby after a conversation with Steve Silva concerning my interview with John Krikorian. In the conversation on April 21, 2002, I told Steve Silva that I didn't accept him telling me about the failed interview without him knowing the whys and ways to remedy the problem. He made me to understand that I would get a call from John Krikorian or George Stavros. However, I heard from no one and then on October 23, 2002, I learned from Texas Workforce Commission documentation that I had been terminated on May 15, 2002, from my position as Caddie/Caddie Trainer.
- II. No reasons were given for the above referenced treatment.
- III. I believe that I was discriminated against because of my age, 49, DOB: 2/18/53, in violation of the Age Discrimination in Employment Act, and because of my religion, Christianity, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.



NOTARY - When necessary for State and Local Agency Requirements
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Donald E. Spencer
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

11/30/03 Beatrice Burroughs

Nov 20, 2003

Charging Party Signature

Date

DISMISSAL AND NOTICE OF RIGHTS

To: Donald E. Spencer
2101 Hayes Rd #309
Houston, TX 77077

From: Houston District Office
1919 Smith St, 7th Floor
Houston, TX 77002

Cert. No.: 7000 1670 0002 4554 7390

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

330-2004-00976

Ronald G. Wideman
Supervisor

(713) 209-3332

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

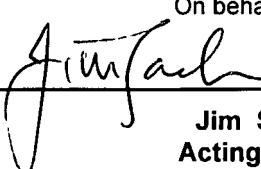
- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- While reasonable efforts were made to locate you, we were not able to do so.
- You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

- NOTICE OF SUIT RIGHTS -
(See the additional information attached to this form.)

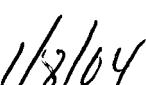
Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible**.

On behalf of the Commission


Jim Sacher,
Acting Director

Enclosure(s)


(Date Mailed)

cc:

Mr. Mike Granuzzo
Owner
CADDIE MASTERS
P. O. Box 160
Pinehurst, NC 28370

TEXAS COMMISSION ON HUMAN RIGHTS
P. O. Box 13006
Austin, TX 78711-3006